

Filed for intro on 02/04/98
HOUSE BILL 3081 By
Arriola

SENATE BILL 3246
By Henry

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5,
relative to home and community based care programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, is amended by adding
Sections 2 through 10 of this act as an appropriately numbered new part.

SECTION 2. The general assembly finds that long term care of the elderly and disabled
is approaching a crisis. The elderly population is increasing and will soon increase dramatically.
Across the nation, approximately one (1) in every eight (8) persons was elderly in 1994. By the
year 2030, however, one (1) in five (5) will be elderly. The general assembly also finds that
Tennessee's existing system of long term care is a patchwork of services, with nursing homes
being the primary place for long term services. The general assembly also finds that most
elderly and disabled persons would prefer to remain in their own homes, but the lack of public
funded services prevents them from doing so.

SECTION 3. The commissioner of health shall seek to expand and improve significantly
the existing home and community based care waiver from the four (4) largest counties to the
entire state. The commissioner shall make a progress report to the speakers on a quarterly
basis beginning July 1, 1998.

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SECTION 4. In the commissioner's waiver proposal, Tennessee shall have a single point of entry system in each development district. The commissioner may negotiate contracts with the commission on aging and other agencies for providing such services.

SECTION 5. In the commissioner's waiver proposal, the commissioner shall delete the present caregiver requirement.

SECTION 6. In establishing eligibility standards in the waiver proposal, the commissioner shall provide for income eligibility standards based on a sliding scale for home and community based services utilized by low to moderate income clientele. An applicant's household income of two hundred percent (200%) of the federal poverty level shall be the beginning point for reducing cost of services.

SECTION 7. In establishing eligibility standards in the waiver proposal, the commissioner shall make a requirement for functional eligibility that an applicant be unable to perform two (2) or more activities of daily living (ADL).

SECTION 8. The provisions of this act are declared to be remedial in nature and the provisions of this act shall be liberally construed to effectuate its purposes.

SECTION 9. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 1998, the public welfare requiring it.